

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BIRCH LEVEN ENGINEERING INC,
a Michigan corporation,

Case No.2:22-cv-10616
Hon. Paul D. Borman

Plaintiff,

v

DEPARTMENT OF VETERANS AFFAIRS,

Defendant.

COMPLAINT TO QUIET TITLE

NOW COMES the Plaintiff, BIRCH LEVEN ENGINEERING INC, a Michigan corporation, by and through its attorneys, Conlin, McKenney & Philbrick, P.C., and for its Complaint to Quiet Title against the Department of Veterans Affairs, states as follows:

INTRODUCTION

- 1) Plaintiff owns real property located in the City of Detroit, Wayne County, Michigan, commonly known as 18924 Russell, Detroit, Michigan 48203 (the “Deeded Premises”). *See Exhibit 1.*
- 2) Defendant retains a recorded interest Deeded Premises. *See Exhibit 2.*

PARTIES, JURISDICTION AND VENUE

- 3) Plaintiff incorporates by reference the above allegations.
- 4) Plaintiff is a Michigan corporation with its principal place of business at 1300 Seven Mile Detroit, Michigan 48203.
- 5) Jurisdiction is proper in this Court pursuant to 28 US Code § 1331.
- 6) Venue is proper in this Court pursuant to 18 U.S.C. § 1391, because the property that is the subject of this action is located in Wayne County, Michigan.

COMMON ALLEGATIONS

- 7) Plaintiff incorporates by reference the above allegations.
- 8) Plaintiff obtained fee title via a Quit Claim Deed from Liberty Temple Evangelical Church, Inc., a Michigan non-profit corporation, dated July 15, 2020, recorded on August 3, 2020, in Liber 55893, Page 675, in the office of the Register of Deeds for Wayne County, Michigan. A copy of the quit claim deed is attached as ***Exhibit 3*** and contains the following legal description of certain real property located in the City of Detroit, County of Wayne, and State of Michigan, to-wit:

**Lot 451, Cadillac Heights Subdivision, as recorded in Liber 33,
Page 81 of Plats, Wayne County Records.**

Commonly known as: 18924 Russell, Detroit, Michigan 48203

Tax Identification Number: 09020689

(the “Deeded Premises”).

- 9) Since Plaintiff acquired fee title to the Deeded Premises in 2020, Plaintiff has occupied and treated as its own all that land within its lot lines.
- 10) Before Plaintiff, its predecessors-in-title, Liberty Temple Evangelical Church, Inc. similarly treated the entire Deeded Premises as its own and paid assessments against the Premises.
- 11) Plaintiff has diligently attempted to discover all persons and entities who may claim an interest in the Deeded Premises and has commissioned and paid for a title search to that end which produced the attached chain of title. *See Exhibit 2.*
- 12) The title search indicates that Defendant retains an interest in the Deeded Premises pursuant to a Special Warranty Deed, recorded in Wayne County Records at Liber 20782, Page 352. *Exhibit 2.*
- 13) Based upon information and belief, Plaintiff and its predecessors-in-interest, Liberty Temple Evangelical Church, Inc., have possessed the Deeded Premises exclusively since 1992.

COUNT I— QUIET TITLE

- 14) Plaintiff incorporates by reference the above allegations.
- 15) On information and belief, the Defendant did not intend to retain for itself any portion of the Deeded Premises to which Plaintiff seeks to quiet title in this action.

- 16) Based upon information and belief, Defendant intended to record a deed conveying the Deeded Premises to Harold E. Tanner and Wildred E. Tanner, as husband and wife (collectively the “Tanners”).
- 17) The Tanners conveyed their interest to Liberty Temple Church, on April 20, 1992 via a quit claim deed recorded Wayne County Records at Liber 25732, Page 22. *Exhibit 2.*
- 18) Plaintiff is the fee owner of the Deeded Premises, as set forth above. *See Exhibit 1.*

WHEREFORE Plaintiff respectfully requests:

- a) That title to Deeded Premises described in this complaint be Plaintiff’s in fee simple absolute and that title to the property be forever quieted by this judgment;
- b) That Plaintiff’s title is a valid title against Defendant and all persons claiming under Defendant;
- c) That this Honorable Court award Plaintiff its actual and statutory attorney fees, interest at the highest legal rate, and court costs;
- d) For such other relief or further relief as shall be agreeable to equity and good conscience.

CONLIN, McKENNEY & PHILBRICK, P.C.
Attorneys for Plaintiffs,

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Dated: March 23, 2022